



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,326	12/29/1999	THOMAS J. FOTH	E-977	2120
919 7590 04/19/2007 PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			EXAMINER BACKER, FIRMIN	
			ART UNIT 3621	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
2 MONTHS		04/19/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/474,326  
Filing Date: December 29, 1999  
Appellant(s): FOTH ET AL.

**MAILED**

**APR 19 2007**

**GROUP 3600**

STEVEN SHAPIRO  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed October 24<sup>th</sup>, 2005 appealing from the Office action mailed May 5<sup>th</sup>, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

Art Unit: 3621

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

See final action dated May 5<sup>th</sup>, 2005

**(10) Response to Argument**

Applicant argue that the prior art (Krishnan et al) fail to teach or suggest, “the concurrent displaying of purchasing information with the downloading of encoded digital content.”

Applicant further argues that the prior art never discuss dynamically encrypting digital content product being sent from a first computer to a second computer.” Examiner respectfully disagrees with Applicant’s characterization of the prior art.

For sake of clarity, Examiner includes a table map comparison of the claim limitation and the prior art is provided.

Chart of the broadest claim

Claim 1

Claim limitation	Prior art (Krisham et al., 6,073,124)
A method for using a computer to facilitate a transaction between a merchant ( <i>virtual store</i> ) and a buyer ( <i>client</i> )	methods and systems for facilitating the purchase and delivery of electronic content using a secure digital commerce system, For the purposes of this specification, a virtual store is any executable file, data, or document (for example, a WEB page) that enables a user to electronically purchase merchandise over a network ( <i>summary of the invention, col. 4 line 12-44, col. 6 lines 34-62</i> )
downloading into the computer a digital content file of the merchant, the digital content file including a header with information related to purchasing a digital content product and the digital content product in encoded form	The DCS client includes a plurality of client components, which are downloaded by a boot program onto a customer computer system in response to requesting an item of merchandise to be licensed or purchased. The downloaded client components include a secured (e.g., encrypted) content file that corresponds to the content of the requested item and licensing code that is automatically executed to ensure that the item of

	merchandise is properly licensed before a customer is permitted to operate it ( <i>col. 4 lines 23-32</i> )-
using the computer for reading the downloaded header and displaying at least some of the information related to purchasing the digital content product while concurrently downloading the encoded digital content product into the computer	the virtual store downloads and potentially initiates the execution of a boot program associated with the requested merchandise (see step 403 in FIG. 4). Specifically, each merchandise icon is linked (anchored) to a merchandise-specific download file, which is a file stored on (or generated by) the virtual store. In one embodiment, the download file is a self-extracting file that contains: extraction code, a header that indicates the size of the boot program which follows, the boot program (preferably compressed), and the appropriate component list file. The download file can be generated statically using the SAFEmaker utility described above or can be generated dynamically by the virtual store when it downloads a WEB page that includes the icon that is anchored to the download file. When the customer selects a merchandise icon, the customer is queried whether to download and store or download and execute the anchor file (indicated by the link). When the user indicates that the download file is to be executed, the extraction code of the download file is executed, which causes the component list (the ".ssc" file) to be extracted and the boot program executable to be (potentially decompressed,) extracted and executed. One skilled in the art will recognize that any mechanism for associating an icon with a boot program and for causing the boot program to be downloaded and executed is operable with the secure digital commerce system ( <i>see col. 15 line 49-16 line 7</i> ).

What Krishnan et al suggest is a system wherein the customer requests an item of merchandise, for example, by selecting an icon that is linked to a download file that corresponds to the desired item. In response to the selection, in step 403, the virtual store 304 downloads and installs the download file, which extracts the executable boot program and component list and causes execution (preferably as a background task) of the executable boot program on the

Art Unit: 3621

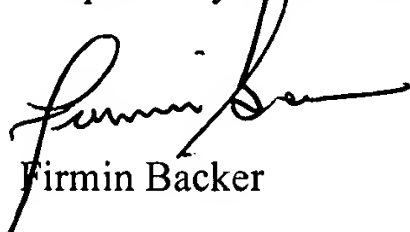
customer computer system 311. In step 404, the boot program reads the component list to determine what DCS client components to download and requests the determined components from the appropriate contents supplier server 306. The component list, as further described below with reference to Table 2, indicates source and target locations for each component to be downloaded. In step 405, the boot program installs a downloaded (secured) content file that is associated with the desired item of merchandise and causes the content file to be processed (executed). When the content file is a computer program, then the downloaded content file has been previously configured to automatically cause licensing code to be executed before the content file is executed. Furthermore Krishnan et al teach the downloaded client components include a secured (e.g., encrypted) content file that corresponds to the content of the requested item and licensing code that is automatically executed to ensure that the item of merchandise is properly licensed before a customer is permitted to operate it.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Firmin Backer

Conferees:

Vincent Millin



Andrew Fischer

